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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,328	11/24/2003	Hideki Ishihara	3930320133901	6554
25224	7590	07/22/2004	EXAMINER	
MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024			HSIEH, SHIH YUNG	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,328	Applicant(s) ISHIHARA ET AL.	
	Examiner Shih-yung Hsieh	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 14-28 is/are allowed.
- 6) ☒ Claim(s) 29-33 is/are rejected.
- 7) ☒ Claim(s) 11-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

1. Claims 11-13 are objected to because of the following informalities: in claim 11 the phrase "said rear casing section" (line 10) lacks antecedent basis. Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson (5,789,693) in view of Tsao (5,550,926).

Regarding claims 29 and 30, Lawson discloses an electronic keyboard musical instrument comprising a main casing section (12); and a rear casing section (Fig. 1) including at least a roof plate (20) forming an upper surface of said casing, and a back plate (26) extending downward from a rear edge of said roof plate (Figs. 1-3); wherein said rear casing section is detachably attachable to said main casing section to constitute said casing (these sections are obviously assembled together as shown in Figs. 1-6 and, therefore are detachable); wherein said back plate has a main tone hole formed therein (col. 2, lines 45-47), and a speaker is disposed with a front thereof opposed to said main tone hole.

The difference between Lawson's instrument and claims 29 and 30 is that the claims recite said roof plate has subsidiary tone hole formed therein to allow a sound/acoustical vibration from the backside of the speakers to be emitted from the subsidiary tone hole.

Tsao teaches a roof plate having subsidiary tone hole (the top hole shown in Figs. 1 and 4) formed therein to allow a sound/acoustical vibration from the backside of the speakers to be emitted from the subsidiary tone hole (col. 3, lines 42-43). It would have been obvious to one having ordinary skill in the art to modify Lawson's instrument as taught by Tsao to include said roof plate having subsidiary tone hole formed therein for the purpose of allowing a sound/acoustical vibration from the backside of the speakers to be emitted from the subsidiary tone hole.

4. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Shimoda et al. (5,465,644).

Regarding claims 31 and 32, Lawson discloses the claimed invention except that said rear casing section further includes a reinforcing plate coupling said roof plate portion and said back plate portion, and said main casing section and said rear casing section are coupled with each other by securing said reinforcing plate and said bottom plate portion via fastener means with said bottom plate portion held between a lower end portion of said reinforcing plate and a lower edge of said back plate portion.

Shimoda et al. teach using reinforcing plate (21, and col. 2, lines 55-56) for securing different sections of a piano together (col. 2, lines 56-60) via fasteners/screw

(22). It would have been obvious to one having ordinary skill in the art to modify Lawson's instrument as taught by Shimoda et al. to include said rear casing section further including a reinforcing plate coupling said roof plate portion and said back plate portion, and said main casing section and said rear casing section being coupled with each other by securing said reinforcing plate and said bottom plate portion via fastener/screw means with said bottom plate portion held between a lower end portion of said reinforcing plate and a lower edge of said back plate portion for the purpose of securing different sections of said piano together.

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Shimoda et al. as applied to claim 31 above, and further in view of Meyer (3,338,127).

Regarding claim 33, Lawson in view of Shimoda et al. disclose the claimed invention except that said fastener means is a resiliently-deformable fitting member.

Meyer teaches a fastener means that is a resiliently-deformable fitting member (22 and Figs. 5 and 6) for securing panels together. It would have been obvious to one having ordinary skill in the art to modify Lawson in view of Shimoda et al's instrument as taught by Meyer to include said fastener means being a resiliently-deformable fitting member for the purpose of securing panels together.


6. Claims 11-13 would be allowable if amended to correct the objections.

7. Claims 1-10, and 14-28 are allowed.
8. The reason of allowance for claims 1-13 has been stated in the parent case 10/243,881, which was abandoned 1/2/2004 because of failure to timely pay the issue fee. The reason of allowance for claims 14-28 is the same as for claims 1-13.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh


SHIH-YUNG HSIEH
PRIMARY EXAMINER